

Defendants filed the instant motion to dismiss on June 19, 2019. DE 16. Defendants also moved to transfer the case to the Northern District of Georgia to be centralized with related actions that share factual questions arising from deaths and injuries due to contaminated water at

Camp Lejeune. DE 21. On October 2, 2019, the Panel on Multidistrict Litigation denied defendants' motion to transfer, keeping the case with this Court. DE 23.

DISCUSSION

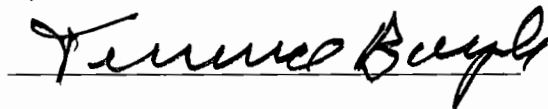
The FTCA waives sovereign immunity for certain tort claims. The waiver does not extend to situations in which a federal employee has a separate and exclusive remedy provided by another statute. The Longshore and Harbor Workers' Compensation Act is a compensation scheme that provides remedies to employees of nonappropriated fund instrumentalities, including the Marine Corps exchanges. 5 U.S.C. §§ 8171(a), 2105(c). Remedies provided through the Act are "exclusive and instead of all other liability[.]" 5 U.S.C. § 8173; *see also Martin v. United States*, 566 F.2d 895, 897 (4th Cir. 1977) ("... 5 U.S.C. § 8173 states that the liability of the United States under this scheme of compensation is exclusive; nonappropriated fund employees whose injuries are covered have no other remedies against the government.").

Here, Mrs. Council was a NAF employee covered by and required to seek compensation exclusively from remedies provided under the Longshore and Harbor Workers' Compensation Act. With no waiver of sovereign immunity for plaintiff's claims, this Court does not have subject-matter jurisdiction and the case must be dismissed.

CONCLUSION

For the foregoing reasons, defendants' motion [DE 16] is GRANTED and this suit is DISMISSED WITH PREJUDICE.

SO ORDERED, this the 10 day of October, 2019.

A handwritten signature in black ink, appearing to read "Terrence Boyle", written over a horizontal line.

TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE